

1

2

Remarks

3

4

This amendment is responsive to the office action dated Mar 23, 2007.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

With regard to the 35 USC 103(a) rejection of claim 1 over Cao 2002/0031324 in view of Chen 6,647,173, applicant notes that the attenuator of Cao relies on a partially rotating reflector having an axis of rotation, whereas the present invention has a stationary mirror. With regard to Chen, applicant notes that the reflective "shutter" 21 of Chen has planar rotation about a pivot point (col 3 lines 39-45), and is used to maximally reflect light back to the dual fibers 11 and 12 (Chen col 3 lines 50-55), whereas the present invention has a single input fiber 101 and a single output fiber 102, and the shutter serves to attenuate light on the optical path. Further, the structure and function of the moving mirror of Chen modifies the optical path to form a switch between two pairs of optical fibers, resulting in the switching of light coupled from an upper input fiber to either a lower output fiber, or an upper output fiber. Examining the figure 4 operation of Chen with a dual fiber pair comprising an input fiber and an output fiber, the shutter of Chen is optimally reflecting light from a particular input fiber **back to an adjacent**

1 **output fiber to minimize attenuation and maximize coupling**
2 **to the dual fiber pair input and output fibers**, whereas in
3 the present invention, attenuation is maximized when
4 movable shutter is obstructing the optical path from the
5 input fiber to the output fiber. Additionally, the input
6 fiber 14, (12) and output fiber 11, (13) structure of
7 figure 3 of Chen does not have "an output fiber adjacent to
8 said input fiber" as recited in amended claim 1, as the
9 upper and lower fibers are not adjacent. Therefore, the
10 combination of Chen and Cao does not anticipate the
11 structure of function of the present invention. Applicant
12 also points out that neither Chen nor Cao separately or in
13 combination teach an axial magnetic field which controls a
14 movable shutter, or a movable shutter which is entirely
15 supported by a current carrying leadwire. Nevertheless, to
16 further distinguish the present claim 1 from the movable
17 mirror of Chen, applicant has amended the claim to
18 explicitly recite the additional limitation of an optical
19 attenuator which has maximum attenuation when the shutter
20 is positioned in the optical path.

21 Dependent claims 2, 6, 8, 9 are allowable as depending
22 on allowable independent claim 1.

23 Examiner had allowed claims 13 and 16-23 in the office
24 action of 3/23/07, and these claims are unchanged.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

With this amendment, the present application is in
condition for allowance.

Please direct all correspondence to the agent of
record:

Jay Chesavage
Customer Number 24346
3833 Middlefield Rd
Palo Alto, Ca. 94303
650-619-5270

Respectfully Submitted,


Jay Chesavage

Registration No. 39,137